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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,360	07/22/2003	David W. Manning		7676

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THOMTE, MAZOUR & NIEBERGALL, L.L.C.
2120 S. 72ND STREET, SUITE 1111
OMAHA, NE 68124

EXAMINER

CHIN, RANDALL E

ART UNIT PAPER NUMBER

1744

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,360

Applicant(s)

MANNING ET AL.

Examiner

Randall Chin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Upon further consideration, PROSECUTION IS HEREBY REOPENED, as set forth below. The finality of the Office Action mailed 3/29/05 is hereby withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salecker 5,309,595 (hereinafter Salecker '595) in view of Block 6,448,732 (hereinafter Block '732)

With respect to claim 1, the patent to Salecker '595 teaches a sewer and drain cleaner 10 (Fig. 1) comprising, a frame 14, a rotatable drum 22 (col. 3, lines 35-38) mounted on said frame which has a flexible plumber's snake defined by coiled cable 16 associated therewith, a motor 18 (Figs. 1, 2 and 5) mounted on said frame, said motor having a driven shaft (not explicitly recited but still taught in order to drive a belt 20) operatively connected to said drum for rotating the same (col. 3, lines 34-36), and a control 24 connected to said motor for controlling the operation thereof.

The patent to Salecker '595 discloses all of the recited subject matter with the exception of a battery-powered cleaner device comprising a motor that is DC and a rechargeable battery mounted on said frame for powering the DC motor. The patent to

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Block '732 teaches a cleaner device which comprises a motor 40 (Figs. 1 and 4) which can operate in either of two modes, namely, via power supplied from an onboard (and thus on the cleaner itself) rechargeable battery 50 (i.e., from direct current provided by the battery and thus a DC motor) or from AC from a fixed AC power outlet (col. 1, lines 12-15, col. 3, lines 19-21, col. 5, lines 18-20 and 28-33).

It would have been obvious to one of ordinary skill in the art to have provided Salecker's cleaner with a motor that receives power from direct current (and thus a DC motor) provided by an onboard rechargeable battery as taught by Block '732 to aid in easing portability of the entire cleaner device by avoiding the need for long extension cords leading to electrical outlets and enabling the battery to be recharged for prolonged usage and extending its useful life. The teaching of Block '732 clearly discloses that it is old and well known to operate a portable powered cleaner device motor by **either** power received from alternating current (AC) from a fixed power source (i.e., AC power outlet) or from direct current (DC) provided by an onboard rechargeable battery. Block's teaching simply gives users the choice of either power source mode.

As for claim 2, Salecker '595 teaches that the motor is operatively connected to the drum by a belt drive 20 (Figs. 1 and 2; col. 3, lines 34-36).

As for claim 3 reciting that the motor is operatively connected to the drum by a gear drive, one skilled in the art would find it obvious to use either a belt or gear arrangement between the motor and drum since they are practically functional equivalents of each other for driving the drum and each drive is old and well known.

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There is of course, no reason why a belt or gear drive could not be utilized, except for costs and manufacturing or design requirements.

As for claim 4, the battery 50 comprises a battery pack (col. 4, lines 15-17; Figs. 1 and 4).

As for claim 5, the recitation of a "high speed, high torque" motor is deemed merely a relative limitation absent any further specific speed or torque value claimed. In any case, values for motor speed and/or torque are deemed obvious since through an optimization process, one skilled in the art would find it obvious to select optimum values (i.e., high speed, high torque) for the particular task of cleaning drains and sewers which typically include large obstructions of tree branches, leaves and other debris. Such large obstructions would at least be suggestive of the need for higher speed and higher torque for completing the task.

As for claim 6, the modified Salecker cleaner is deemed include a "low" voltage DC motor, or at least suggestive thereof, depending on power requirements or choice of battery (see Block '732, col. 1, line 54 to col. 2, line 67 and col. 4, lines 63-67). Again, "low" voltage is merely a relative expression.

As for claim 7, the modified Salecker cleaner teaches a control device 61 (Fig. 4) which includes a motor (col. 5, lines 3-5) and "voltage" control (col. 1, lines 59-64 and col. 5, lines 7-17).

4. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is

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(571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.


If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, John Kim, can be reached at (571) 272-1142. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin



Randall Chin
Primary Examiner
Art Unit 1744